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WASHINGTON, THE DISTRICT OF COLUMBIA

OFFICE OF THE
SECRETARY OF DEFENSE

15 JAN 1982

MEMORANDUM FOR ASSISTANT TO THE PRESIDENT FOR NATIONAL
SECURITY AFFAIRS

SUBJECT: Executive Order on Classification

This is in response to the December 23, 1981 memorandum from the Counsellor to the President that requests that this Department's comments on the latest draft replacement for Executive Order 12065, "National Security Information" be provided to you.

While we can support much in the new revision, we note that only some 30% of previous DoD comments have been incorporated into this revised draft.

Of greatest concern is the failure to include in this current draft our previous proposal to establish a fourth level of classification, namely, "Restricted." We believe this omission is unfortunate. By its omission from the current draft, other departments and agencies of the Executive Branch will not have the opportunity to review and comment on its merits.

The existing three-level classification scheme has not provided adequate protection for a large body of sensitive national security information, particularly militarily critical technology and operational data developed solely for the use of our Armed Forces. The current uncontrolled dissemination of this sensitive information, especially when taken in the aggregate, is demonstrably disadvantageous to U.S. national security interests. The loss of such information and the consequent advantages gained by our adversaries require that steps be taken now to provide legal and positive control of it.

Of course, some will say that an added classification category will draw criticism that the revised Order increases the suppression of government information by broadening what can be classified and increasing the amount of classified information. While the number of classified documents will probably increase as a result of the fourth classification, this increase does not mean denial to the general public of information it needs to be informed. At issue is the establishment of a more equitable balance between open government and the government's responsibility

On file OSD release instructions apply.

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to secure the public interest. Restricting the public availability of scientific and technical data and, for example, Army field manuals describing the operational deployment of the LANCE missile, does not constrain information the public requires to be informed about the activities and operating functions of its government. Expansion of the current classification system should not be viewed as a radical departure but rather as a reasonable, necessary, and responsible extension of access control over certain information based on legitimate national security concerns. It is an immediate and proper solution to preclude further loss of such information.

While we are willing to limit the scope of the fourth level of classification to military technical and operational information, we believe it would be a serious and unfortunate mistake not to take this opportunity to help stem the flow of U.S. national security information that is now freely available and useful to our adversaries.

Attachment 1 contains a detailed rationale supporting the establishment of the fourth level of classification - RESTRICTED. The Department's other changes to the replacement order are contained in Attachment 2.



Attachments

Copy furnished:
Counsellor to
the President